



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

JUN 15 2011

Ms. Carolyn McDonough
Associate Director of Facilities for Planning, Design, & Construction
University of Maine
Facilities Management
5765 Service Building
Orono, Maine 04469-5765

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Former Stewart Commons Dining Hall
Orono, Maine

Dear Ms. McDonough:

This is in response to the University of Maine (UMaine) Notification¹ for approval of the proposed plan to address PCB contamination at the Former Stewart Commons Dining Hall located at the University of Maine, Orono, Maine (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and in the adjacent building substrates (e.g., brick and concrete).

UMaine has requested an approval under 40 CFR §§ 761.61 (a) and (c) that includes the following activities:

- Remove and dispose of PCB caulk with greater than or equal to (\geq) 50 ppm in a TSCA approved or hazardous waste landfill
- Remove and dispose of *non-porous surfaces*, including metal window and door frames and metal panels, in direct contact with PCB caulk as a \geq 50 ppm waste in a TSCA approved or hazardous waste landfill

¹ The notification was prepared by Woodard & Curran on behalf of the University of Maine, Orono to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and (c). Information was submitted dated March 18, 2011 (PCB Remediation Plan) and May 26, 2011 (Response to Comments). These submittals shall be referred to as the "Notification".

- Remove and dispose of *porous surfaces*, including brick, concrete block and concrete plaster ceiling panels, in direct contact with PCB caulk as ≥ 50 ppm PCB waste as follows:
 - Interior concrete block walls within 24 inches of caulked joints at the southeast and southwest entries and inside the inner door of the south center entry
 - Interior concrete block walls and concrete plaster ceiling panels within 6 inches of caulked joints at the south center breezeway
 - Exterior concrete block walls within 6 inches of caulked joint at the southeast and southwest entries
 - Exterior brick (first course or column from the caulk joint) adjacent to the north and south metal panel bordering the granite panel section on the east and west faces of the building
- Decontaminate granite and metal columns to $\leq 10 \mu\text{g}/100 \text{ cm}^2$

UMaine has determined that caulk which has PCB concentrations at less than ($<$) 50 ppm, meets the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or decontamination of surfaces that are in contact with the < 50 ppm caulk.

With the exception of the proposed verification sampling frequency for *porous* and *non-porous surfaces*, the Notification meets the requirements and standards established under § 761.61(a), § 761.62, and § 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

UMaine has proposed a deviation from the verification sampling frequency specified under § 761.61(a)(6). Based on the results of the PCB characterization sampling and the proposed cleanup and disposal approach, EPA has determined that the sampling plan and verification sampling frequency for the *porous* and *non-porous surfaces* are adequate to confirm that cleanup standards have been met and that the alternative sampling will not create an unreasonable risk to public health or the environment. EPA may approve the alternative verification sampling under § 761.61(c).

UMaine may proceed with its project in accordance with 40 CFR §§761.61 (a) and (c); §761.62; §761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

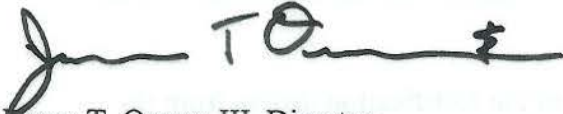
This Approval does not provide for cleanup and disposal of PCB-contaminated soils since additional sampling is necessary to define the nature and extent of the contamination. Upon completion of the investigation of soils at the Site, UMaine may request a modification to this Approval to incorporate cleanup of PCB-contaminated soils or UMaine may submit a separate cleanup and disposal notification under 40 CFR § 761.61 (see Attachment 1, Condition 1).

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens III", with a stylized flourish at the end.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc Jeffrey Hamel, Woodard & Curran
Ed Vigneault, MEDEP
File

Attachment 1 – PCB Approval Conditions

Attachment 2 – *Standard Operating Procedure For Sampling Porous Surfaces For Polychlorinated Biphenyls (PCBs), Rev. 4, May 5, 2011*

**ATTACHMENT 1: PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
FORMER STEWART COMMONS DINING HALL (the Site)
UNIVERSITY OF MAINE
ORONO, MAINE**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
 - a. This Approval does not address the cleanup of PCB-contaminated soils as the nature and extent of the contamination has not been defined.
 - b. Upon completion of the investigation, the University of Maine (UMaine) may request a modification to this Approval to incorporate cleanup of the soils under this Approval (see Condition 16) or UMaine may submit a separate cleanup plan in accordance with 40 CFR § 761.61.
2. UMaine shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. UMaine must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, UMaine shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. UMaine is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time UMaine has or receives information indicating that UMaine or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by UMaine are authorized to conduct the activities set forth in the Notification. UMaine is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release UMaine from compliance with any applicable requirements of federal, state or local law; or 3) release UMaine from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from UMaine of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. UMaine shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. UMaine shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
- a. All visible residues of PCB-contaminated caulk (i.e. *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The cleanup standard for *porous surfaces* (e.g., concrete, brick, and plaster panels) shall be less than or equal to (\leq) 1 part per million (ppm).
 - i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and in accordance with the frequency specified in the Notification.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
 - iii) In the event **any** verification sample exceeds the PCB cleanup standard, UMaine shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining *porous surfaces*.
 - c. The decontamination standard for *non-porous surfaces* (e.g., metal frames and columns, and granite) shall be $\leq 10 \mu\text{g}/100 \text{ cm}^2$ PCBs.
 - i) All post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100 \text{ cm}^2$) and at the frequency specified in the Notification.
 - ii) For decontaminated *non-porous surfaces* that have PCB concentrations exceeding the decontamination standard, UMaine may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these wastes as TSCA-regulated waste in accordance with 40 CFR Part 761.
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.

- iv) In the event **any** verification sample exceeds the PCB cleanup standard, UMaine shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining *non-porous surfaces*.
14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

- 15. UMaine shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by UMaine to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
- 17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

20. UMaine shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by UMaine in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
21. UMaine shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
22. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1